

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TERRENCE F SMITH,

Petitioner,

v.

WASHINGTON STATE  
DEPARTMENT OF CORRECTIONS,

Respondent.

CASE NO. C18-5733 RBL

ORDER

THIS MATTER is before the Court on the Report and Recommendation of Magistrate Judge David W. Christel [Dkt. # 13], Petitioner Smith's Objections [Dkt. # 14], and the underlying record.

(1) The Report and Recommendation is **ADOPTED**.

(2) Smith's habeas petition under 28 U.S.C. § 2254 is **DENIED**.

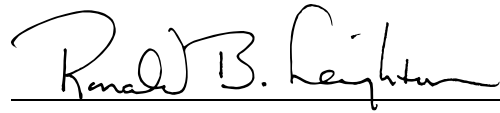
(3) The Court will **NOT** issue a Certificate of Appealability under 28 U.S.C. § 2253(c)(2), for the reasons articulated in the Report and Recommendation.

(4) If he appeals, Smith's *in forma pauperis* status should **NOT** continue

1 The Clerk shall send copies of this Order to Smith's last known address and to Magistrate  
2 Judge Christel.

3 IT IS SO ORDERED.

4 Dated this 1<sup>st</sup> day of March, 2019.

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7 Ronald B. Leighton  
8 United States District Judge  
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